

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

EDWARD HERRERA 585206
Plaintiff's Name and ID Number

JESTER III UNIT
Place of Confinement

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

CASE NO. 9:20cv43

MAR 10 2020

(Clerk will assign the number)

v.

JURY TRIAL DEMAND

LORIE DAVIS (DIRECTOR) BY DEPUTY
Defendant's Name and Address INDIVIDUAL AND OFFICIAL CAPACITY

WARDEN WHEATON, 2665 PRISON RD. 1, LOVE LADY, TX 75851, FULL NAME UNKNOWN
Defendant's Name and Address INDIVIDUAL AND OFFICIAL CAPACITY

ASSISTANT WARDEN ALLAN, 2665, PRISON RD. 1, LOVE LADY, TX 75851, FULL NAME UNKNOWN
Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

DEFENDANT'S NAME AND ADDRESS CONTINUED

4. MAJOR LAMB, 2665 PRISON RD 1, LOVE LADY, TX 75851
FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY
5. MAJOR CAMPBELL, 2665 PRISON RD 1, LOVE LADY, TX 75851
FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY
6. SUPERVISOR Ms. MASTERS, 2665 PRISON RD 1, LOVE LADY, TX 75851
FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY
7. SUPERVISOR CAPT. BULLARD, 2665 PRISON RD 1, LOVE LADY, TX 75851
FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES ☒ NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: N/A
 2. Parties to previous lawsuit:

Plaintiff(s) N/A

Defendant(s) N/A
 3. Court: (If federal, name the district; if state, name the county.) N/A
 4. Cause number: N/A
 5. Name of judge to whom case was assigned: N/A
 6. Disposition: (Was the case dismissed, appealed, still pending?) N/A
 7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: JESTER III UNIT

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? x YES ___ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: EDWARD HERRERA, 585206

JESTER III UNIT, 3 JESTER RD

RICHMOND, TX 77406

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: WARDEN WHEATON, FULL NAME UNKNOWN, SR. WARDEN IN CHARGE OF CARE, CUSTODY AND CONTROL, EASTHAM UNIT, 2665 PRISON RD 1, LOVE LADY, TX 75851, INDIVIDUAL AND OFFICIAL CAPACITY

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DID NOT PROVIDE ADEQUATE HEALTH SAFETY STANDARDS AT THE UNIT TEXTILE FACTORY CAUSING PLAINTIFF HARM

Defendant #2: LORIE DAVIS, DIRECTOR OF TDCJ, IN CHARGE OF CARE, CUSTODY AND CONTROL OF TDCJ UNITS, P.O. Box 99, HUNTSVILLE, TX 77342, INDIVIDUAL AND OFFICIAL CAPACITY

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DID NOT PROVIDE SUFFICIENT HEALTH AND SAFETY MEASURES ON THE EASTHAM UNIT TEXTILE FACTORY

Defendant #3: ASSISTANT WARDEN ALLAN, FULL NAME UNKNOWN, 2ND IN COMMAND OF CARE, CUSTODY AND CONTROL ON EASTHAM UNIT, 2665 PRISON RD 1, LOVE LADY, TX 75851, INDIVIDUAL AND OFFICIAL CAPACITY

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DID NOT PROVIDE ADEQUATE HEALTH SAFETY STANDARDS AT THE UNIT TEXTILE FACTORY CAUSING PLAINTIFF HARM

Defendant #4: MAJOR LAMB, IN CHARGE OF DAILY OPERATIONS AND CARE, CUSTODY AND CONTROL, FULL NAME UNKNOWN, 2665 PRISON RD 1, LOVE LADY, TX 75851, INDIVIDUAL AND OFFICIAL CAPACITY

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DID NOT PROVIDE PLAINTIFF WITH ADEQUATE HEALTH SAFETY MEASURE IN THE TEXTILE FACTORY CAUSING HARM

Defendant #5: MAJOR CAMPBELL, GARMET FACTORY SUPERVISOR, FULL NAME UNKNOWN

2665 PRISON RD 1, LOVE LADY, TX 75851, INDIVIDUAL AND OFFICIAL CAPACITY

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

FAILED TO INFORM THE INMATES OF THE RISK ASSOCIATED WITH BREATHING IN THOSE POISONOUS TEXTILE CHEMICALS AFTER LONG PERIODS OF TIME

FULL NAME OF EACH DEFENDANT, HIS OFFICIAL POSITION, HIS PLACE OF EMPLOYMENT, AND HIS FULL MAILING ADDRESS CONTINUED

DEFENDANT 6. SUPERVISOR MS. MASTERS, FULL NAME UNKNOWN, IN CHARGE OF THE INMATES WORKING IN THE (GARMET) TEXTILE FACTORY, INDIVIDUAL AND OFFICIAL CAPACITY, 2665 PRISON RD 1, LOVE LADY, TX 75851

BRIEFLY ACTS: DID NOT WARN PLAINTIFF OF THE POSSIBLE DANGER OF BREATHING POISONESS CHEMICAL FOR A LONG PERIOD OF TIME IN THE (GARMET) TEXTILE FACTORY.

DEFENDANT 7. SUPERVISOR CAPT. BULLARD, SUPERVISOR OF THE (GARMET) TEXTILE FACTORY, FULL NAME UNKNOWN, OFFICIAL AND INDIVIDUAL CAPACITY, 2665 PRISON RD 1, LOVE LADY, TX 75851

BRIEFLY ACTS: DID NOT WARN PLAINTIFF OF THE POSSIBLE DANGER OF BREATHING POISONESS CHEMICALS FOR A LONG PERIOD OF TIME IN THE (GARMET) TEXTILE FACTORY.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

WHILE HOUSED AT THE EASTHAM UNIT FROM 2003-2017, PLAINTIFF WAS ASSIGNED TO WORK
IN THE (GARMET) TEXTILE FACTORY FROM 2005 UNTIL 2016. APPROXIMATELY TEN YEARS.
DURING THAT TIME, PLAINTIFF WAS EXPOSED TO BREATHING IN LARGE AMOUNTS OF DUST,
CHEMICALS AND OTHER POLLUTANTS IN THE FACTORY WITHOUT BEING PROVIDED WITH ANY FORM
OF BREATHING PROTECTION AGAINST THESE POISONOUS CHEMICALS. THE FAILURE TO PROVIDE
A SAFE WORKING ENVIRONMENT RESULTED IN PLAINTIFF BEING DIAGNOSED WITH INTERSTITIAL
LUNG DISEASE WITH CHRONIC HYPOXIC RESPIRATORY FAILURE DUE TO INHALATIONAL LUNG
INJURIES SUSTAINED WHILE WORKING IN THE FACTORY. THIS ULTIMATELY RESULTED IN
NUMEROUS HOSPITAL STAYS AND PERMANENT PLACEMENT IN THE SHELTERED HOUSING FACILITY

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

PLAINTIFF IS SEEKING COMPENSATORY AND NOMINAL AND PUNITIVE DAMAGES AND
MEDICAL COVERAGE

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

(NO ALIASES) EDWARD HERRERA

B. List all TDCJ-CID identificaiton numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

456621 AND 585206

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES X NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied?

N/A YES N/A NO

STATEMENT OF CLAIM CONTINUED

AT JESTER III UNIT, WHICH IS A MEDICAL FACILITY DESIGNED TO CARE AND TREAT MEDICALLY ILL INMATES IN NEED OF SERIOUS MEDICAL ATTENTION. THE DISREGARD FOR THE SAFETY AND WELFARE OF THE PLAINTIFF HAS CAUSED HIS CONDITION TO BE PERMANATELY DISABLED, REQUIRING FULL TIME 24 HOUR DAILY OXYGEN USE AND PLACING PLAINTIFF IN A WHEELCHAIR AS WELL AS SIGNIFICANTLY REDUCING HIS LIFESPAN. THIS LACK OF FUTURE EMPLOYABILITY, HEALTH COSTS, REDUCED QUALITY OF LIFE AND PSYCHOLOGICAL IMPACT HAS A DEVASTATING EFFECT ON PLAINTIFF AND HIS IMMEDIATE FAMILY. RESPONSIBILITIES FOR THIS UNSAFE ENVIRONMENT CAUSING THESE DAMAGES INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING DEFENDANTS: LORIE DAVIS (DIRECTOR) OF TDCJ, INDIVIDUAL AND OFFICIAL CAPACITY, SENIOR WARDEN WHEATON, WARDEN AT EASTHAM UNIT, FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY, ASSISTANT WARDEN ALLAN, 2ND IN CHARGE OF EASTHAM UNIT, FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY, MAJOR CAMPBELL, (GARMET) TEXTILE FACTORY SUPERVISOR ON EASTHAM UNIT, FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY, MS. MASTERS, (GARMET) TEXTIL FACTORY SUPERVISOR ON EASTHAM UNIT, FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY, CAPT. BULLARD, (GARMET) TEXTILE FACTORY SUPERVISOR ON EASTHAM UNIT, FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY

THESE DEFENDANTS INDIVIDUALLY AND OFFICIALLY FAILED TO PROVIDE PLAINTIFF WITH THE NECESSARY SAFETY MEASURES TO PREVENT HIM FROM BECOMMING INFECTED WITH A DEADLY LUNG DISEASE AND SUSTAINING INJURIES.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

EDWARD HERRERA 585206

PLAINTIFF

JESTER III UNIT

PLACE OF CONFINEMENT

JURY TRIAL DEMAND

MEMORANDUM OF LAW IN SUPPORT OF PRISONER'S CIVIL RIGHTS COMPLAINT 1983

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, EDWARD HERRERA, PLAINTIFF, PRO-SE AND WOULD LIKE TO SHOW THE COURT
THE FOLLOWING:

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

EDWARD HERRERA 585206

PLAINTIFF

JESTER III UNIT

PLACE OF CONFINEMENT

VS.

JURY TRIAL DEMAND

DEFENDANTS

1. LORIE DAVIS, DIRECTOR, INDIVIDUAL AND OFFICIAL CAPACITY
2. WARDEN WHEATON, WARDEN, FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY
3. ASSISTANT WARDEN ALLAN, ASSISTANT WARDEN, FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY
4. MAJOR LAMB, UNIT MAJOR, FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY
5. MAJOR CAMPBELL, SUPERVISOR OF TEXTILE FACTORY, FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY
6. MS. MASTERS, SUPERVISOR OF TEXTILE FACTORY, FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY
7. CAPT. BULLARD, SUPERVISOR OF TEXTILE FACTORY, FULL NAME UNKNOWN, INDIVIDUAL AND OFFICIAL CAPACITY

CONSTITUTIONAL RIGHTS

THE UNITED STATES EASTERN DISTRICT COURT, LUFKIN DIVISION HAS JURISDICTION DUE TO PLAINTIFF'S INJURIES BEING SUSTAINED AT THE EASTHAM UNIT, TEXAS DEPARTMENT OF CRIMINAL JUSTICE SYSTEM IN LOVE LADY, TEXAS, 2665 PRISON RD, 1, 75851.

CRUEL AND UNUSUAL PUNISHMENT

THE EIGHTH AMENDMENT, WHICH FORBIDS CRUEL AND UNUSUAL PUNISHMENT, GOVERNS THE TREATMENT OF CONVICTED PRISONERS. TO WIN AN EIGHTH AMENDMENT CASE, YOU MUST ESTABLISH BOTH AN OBJECTIVE COMPONENT, THE SERIOUSNESS OF THE CHALLENGED CONDITIONS, AND A SUBJECTIVE COMPONENT, AND THE STATE OF MIND OF THE OFFICIALS WHO ARE RESPONSIBLE FOR THEM. IN PLAINTIFF'S CASE, HE WAS FORCED TO WORK IN THE (GARMET) TEXTILE FACTORY FOR APPROXIMATELY TEN (10) YEARS WITHOUT BEING

CRUEL AND UNUSUAL PUNISHMENT CONTINUED

PROVIDED WITH THE NECESSARY BREATHING MASK TO AVOID BEING EXPOSED TO THE POISONOUS CHEMICALS UTILIZED IN THE FACTORY. THE SUPERVISORS, MAJOR CAMPBELL AND Ms. MASTERS AND CAPT. BULLARD WHO WERE CONSIDERED LICENSED AND HIGHLY TRAINED IN TEXTILE FACTORY WORK SHOULD HAVE KNOWN THE RISK AND TAKEN THE NECESSARY PREVENTIVE MEASURES TO INSURE THE SAFETY AND WELFARE OF THE INMATES. RECENT SUPREME COURT DECISIONS CONCERNING PRISONERS EIGHTH AMENDMENT CLAIMS HAVE EMPHASIZED PHYSICAL HARM, OR THE RISK OF IT. THE COURT HAS HELD THAT UNSAFE CONDITIONS THAT POSE AN UNREASONABLE RISK OF SERIOUS DAMAGE TO (A PRISONER) FUTURE HEALTH, DO VIOLATE THE EIGHTH AMENDMENT EVEN IF THE DAMAGE HAS NOT YET OCCURRED AND MAY NOT AFFECT EVERY PRISONER EXPOSED TO THE CONDITIONS. IN NUMEROUS DECISIONS HAVE HELD THAT CONDUCT CAN VIOLATE THE EIGHTH AMENDMENT EVEN IF IT DOES NOT INFLICT PHYSICAL INJURY, OR CAUSE LASTING OR PERMANENT HARM. WITH RESPECT TO CONDITIONS OF CONFINEMENT, THE DELIBERATE INDIFFERENCE TEST IS USED TO DETERMINE WHETHER OFFICIALS ACTED WITH A SUFFICIENTLY CULPABLE STATE OF MIND. UNDER THIS STANDARD, PRISON OFFICIALS ARE LIABLE FOR DENYING HUMANE CONDITIONS OF CONFINEMENT, SIMPLY BY KNOWING THAT AN INMATE MAY HAVE FACED A SUBSTANTIAL RISK OF SERIOUS HARM AND DISREGARDED THAT RISK BY FAILING TO TAKE REASONABLE MEASURES TO ABATE IT. SIMILARLY, ALLEGED DEFICIENCIES IN MEDICAL CARE AND FACILITIES REQUIRE A SHOWING OF DELIBERATE INDIFFERENCE TOWARD SERIOUS MEDICAL NEEDS. DELIBERATE INDIFFERENCE TO MENTAL HEALTH AS WELL AS PHYSICAL NEEDS IS ACTIONABLE. THE HEALTH RISK POSED BY INVOLUNTARY EXPOSURE TO ENVIRONMENTAL TOBACCO SMOKE (ETS) CAN FORM THE BASIS OF AN EIGHTH AMENDMENT VIOLATION. PRISONERS NEED NOT SHOW PRESENT INJURY TO STATE A CLAIM, BUT MUST EXPOSURE TO UNREASONABLY HIGH LEVELS OF ETS, THAT SERIOUSLY THREATEN THEIR FUTURE HEALTH.

CASE LAW, CRUEL AND UNUSUAL PUNISHMENT

MORGAN V. MORGENSEN, 465 F.3d 1041, 1045-1047 (9TH CIR.2006)

8TH AMENDMENT CLAIM STATED WHEN INMATE FORCED TO CONTINUE WORKING IN PRISON PRINT SHOP DESPITE NOTIFYING OFFICIALS OF DANGEROUSLY DEFECTIVE PRINTING PRESS.

SMITH V. U.S. 561 F.3d 1090, 1104-05 (10TH CIR.2009)

8TH AMENDMENT CLAIM STATED WHERE PRISONER ASSIGNED TO WORK IN CLOSET KNOWN TO CONTAIN ASBESTOS.

CASE LAW, CRUEL AND UNUSUAL PUNISHMENT CONTINUED

FARMER, 511 U.S. AT 841-42

THE SUPREME COURT REJECTED AN OBJECTIVE STANDARD UNDER WHICH A PRISON OFFICIAL WHO WAS UNAWARE OF A SUBSTANTIAL RISK OF HARM TO AN INMATE WOULD NEVERTHELESS BE HELD LIABLE UNDER THE EIGHTH AMENDMENT IF THE RISK WAS OBVIOUS AND A REASONABLE PRISON OFFICIAL WOULD HAVE BEEN AWARE OF IT. THE OFFICIAL MUST BOTH BE AWARE OF THE FACTS FROM WHICH THE INFERENCE COULD BE DRAWN THAT A SUBSTANTIAL RISK OF SERIOUS HARM EXISTS, AND HE MUST ALSO DRAW THE INFERENCE.

HELLING V. MCKINNEY, 509 U.S. 25, 34-35 (1993)

8TH AMENDMENT CLAIM STATED BY INMATE ALLEGING THAT PRISON OFFICIALS WITH DELIBERATE INDIFFERENCE, EXPOSED HIM TO LEVELS OF ETS POSING UNREASONABLE RISK OF SERIOUS DAMAGE TO FUTURE HEALTH.

DELIBERATE INDIFFERENCE

AS WITH OTHER EIGHTH AMENDMENT CLAIMS, THE DELIBERATE INDIFFERENCE STANDARD REQUIRES A PLAINTIFF TO SHOW THAT THE DEFENDANT'S HAD ACTUAL KNOWLEDGE OF AN OBJECTIVELY CRUEL CONDITION AND DID NOT RESPOND REASONABLY TO THE RISK. ANOTHER CLAIM A PLAINTIFF CAN FILE IS MEDICAL MALPRACTICE, SINCE A MISDIAGNOSIS OR NONDIAGNOSIS RESULTING FROM FAILURE TO EXERCISE ORDINARY KNOWLEDGE, SKILL AND CARE DOES CONSTITUTE MALPRACTICE. HOWEVER, THE COURT DOES NOT HAVE TO ACCEPT MEDICAL STAFF'S STATEMENTS THAT THEY DID NOT KNOW YOU HAD A SERIOUS NEED IF THERE IS EVIDENCE (DIRECT OR INDIRECT) TO THE CONTRARY. THE SAME IS TRUE WHERE NON-MEDICAL PERSONNEL FAIL TO ACT BUT THERE IS EVIDENCE THAT THEY DID KNOW YOU WERE ILL OR AT RISK. IN PLAINTIFF'S CASE LORIE DAVIS, DIRECTOR AND WARDEN WHEATON, WARDEN AND ASSISTANT WARDEN ALLAN, AND UNIT MAJOR LAMB, ALL ARE RESPONSIBLE FOR THE CARE CUSTODY AND CONTROL OF THE INMATES ON THE EASTHAM UNIT. UPON ARRIVAL AT THE UNIT, EACH INMATE IS ASSIGNED A JOB BY THE UNIT CLASSIFICATION COMMITTEE WHICH CONSISTS OF THE WARDEN, ASSISTANT WARDEN AND THE MAJOR. THE INMATE DOES NOT HAVE THE LUXURY TO SPECIFY WHICH JOB HE WANTS; HE MUST SIMPLY WORK WHICH EVER JOB ASSIGNMENT HE IS INSTRUCTED OR ORDERED TO DO SO. IT IS THE RESPONSIBILITY OF THESE PEOPLE TO MAKE CERTAIN THAT THEY PROVIDE YOU WITH A SAFE AND HEALTHY WORK ENVIRONMENT BY PROVIDING YOU WITH THE NECESSARY PROTECTION TO PROTECT YOU FROM ANY AND ALL POSSIBILITIES OF DANGEROUS POLLUTANTS AND OTHER POISONOUS MATERIAL, AND THAT THERE ARE PROPERLY TRAINED SKILL PERSONNEL TO ADEQUATELY SUPERVISE THE INMATES IN THE VARIOUS WORK FACTORIES. THE SUPREME

DELIBERATE INDIFFERENCE CONTINUED

COURT HAS ENUNCIATED A TWO PART TEST FOR DETERMINING WHETHER A PRIVATE INDIVIDUAL HAS ACTED UNDER COLOR OF STATE LAW. FIRST, THE CLAIMED DEPRIVATION MUST BE CAUSED BY THE EXERCISE OF A RIGHT OR PRIVILEGE CREATED OR IMPOSED BY THE STATE OR UNDERTAKEN BY A PERSON FOR WHOM THE STATE IS RESPONSIBLE. SECOND, THE PRIVATE PARTY MUST BE FAIRLY CHARACTERIZED AS A STATE ACTOR. THE COURT HAS PROVIDED AT LEAST THREE EXAMPLES OF CONDUCT THAT SATISFIES BOTH PRONGS OF 1983'S UNDER COLOR OF STATE LAW REQUIREMENT. THE FIRST EXAMPLE IS THE MISUSE OF POWER, POSSESSED BY VIRTUE OF STATE LAW AND MADE POSSIBLE ONLY BECAUSE THE WRONGDOER IS CLOTHED WITH THE AUTHORITY OF STATE LAW. THE SECOND EXAMPLE OF CONDUCT THAT MEETS 1983'S UNDER COLOR OF STATE LAW REQUIREMENT IS A DEFENDANT WHO HAS ACTED TOGETHER WITH OR HAS OBTAINED SIGNIFICANT AID FROM STATE OFFICIALS, THOUGH NOT AN OFFICER OF THE STATE. THE THIRD EXAMPLE IS AN ACTION BY A PRIVATE PERSON WHO IS AUTHORIZED TO EXERCISE STATE AUTHORITY.

CASE LAW, DELIBERATE INDIFFERENCE

BENJAMIN V. FRASER, 343 F.3D 35, 52 (2D CIR.2003)

EVIDENCE OF LARGE NUMBERS OF INOPERABLE WINDOWS, CLOGGED OR DIRTY VENTILATION REGISTERS AND EXHAUST VENTS IN SHOWERS AND CELLS, AND POOR AIR QUALITY, PLUS FINDINGS CONCERNING THREATENED AND ACTUAL HEALTH HAZZARDS SUPPORTED FINDING OF CONSTITUTIONALLY INADEQUATE VENTILATION.

BOARD V. FARNHAM, 394 F.3D 469, 486 (7TH CIR.2005)

HOLDING EVIDENCE THAT VENTILATION SYSTEM WAS CONTAMINATED WITH FIBERGLASS DUST AND MOLD SUPPORTED AN EIGHTH AMENDMENT CLAIM.

KEENAN V. HALL, 83 F.3D 1083, 1090 (9TH CIR.1996)

HOLDING ALLEGATIONS THAT THE AIR WAS SATURATED WITH FUMES OF FECES, URINE AND VOMIT SUPPORTED AN EIGHTH AMENDMENT VENTILATION CLAIM.

HARRIS V. ANGELINA COUNTY, TEXAS, 31 F.3D 331, 335 (5TH CIR. 1994); WILLIAMS V. GRIFFIN, 952 F.2D 820, 824-25 (4TH CIR.1992)

OVERCROWDING ACCOMPANIED BY UNSANITARY AND DANGEROUS CONDITIONS CAN CONSTITUTE AN EIGHTH AMENDMENT VIOLATION.

CASE LAW, DELIBERATE INDIFFERENCE CONTINUED

WALLIS V. BALDWIN, 70 F.3D 1074, 1077 (9TH CIR.1995)

HOLDING PRISON OFFICIALS WHO HAD INFORMATION ABOUT POSSIBLE ASBESTOS CONTAMINATION HAD A DUTY TO INSPECT BEFORE SENDING UNPROTECTED WORK CREWS TO THE LOCATION.

PLAINTIFFS MEDICAL HISTORY

PLAINTIFF WAS FIRST DIAGNOSED WITH ACUTE ON CHRONIC RESPIRATORY FAILURE WITH HYPOXIA, PROGRESSIVE DYSPNEA AND COUGH AND SUSPECT HE HAS PROGRESSIVE INTERSTITIAL LUNG DISEASE. ON THE 20TH DAY OF MARCH 2017. PLEASE SEE ATTACHED EXHIBITS. THE LUNGS ARE UNDEREXPANDED, DIFFUSE POORLY DEFINED AIRSPACE OPACITIES ARE SEEN THROUGHOUT BOTH LUNGS MAY REPRESENT A MULTIFOCAL INFECTIOUS PROCESS VERSUS MODERATE PULMONARY EDEMA, AIRSPACE OPACIFICATION IS MOST PROMINENT OVER THE RIGHT LOWER LOBE WITH OBSUCRATION OF THE RIGHT HEMIDIAPHRAGM. AN FOCAL CONSOLIDATION CANNOT BE EXCLUDED. THE RIGHT COSTOPHRENIC ANGLE IS BLUNTED SUGGESTINE OF A TRACE PLEURAL EFFUSION. PLAINTIFF HAS MANY HOSPITAL STAYS SINCE BEING DIAGNOSED AND SEVERE WHEIGHT LOSS, PLEASE SEE ATTACHED EXHIBITS. PLAINTIFF WAS ASSIGNED TO WORK IN THE GARMENT FACTORY FROM 2005 UNTIL 2016 FOR APPROXIMATELY 10 YEARS, BREATHING IN POISONOUS CHEMICALS, SO THERE IS RISK OF INHALATIONAL LUNG INJURY. PRIOR TO WORKING AT THE INSTITUTIONAL GARMENT FACTORY, PLAINTIFF HAD NO PRIOR MEDICAL LUNG INJURIES. PLAINTIFF IS NOW PERMANATELY ON AN OXYGEN MACHINE 24 HOURS A DAY AND CANNOT BREATH ON HIS OWN WITHOUT IT. PLAINTIFF IS ALSO PERMANATELY ASSIGNED TO A WHEELCHAIR DUE TO HIS DIFFICULT BREATHING ISSUES.

THE RIGHT TO SAFE WORKING CONDITIONS

THE THIRTEENTH AMENDMENT TO THE FEDERAL CONSTITUTION FORBIDS SLAVERY OR INVOLUNTARY SERVITUDE, EXCEPT AS A PUNISHMENT FOR CRIME WHEREOF THEPARTY SHALL HAVE BEEN DULY CONVICTED. THUS CONVICTED PRISONERS MAY BE REQUIRED TO WORK AND MAY BE DISCIPLINED IF THEY REFUSE. PERSONS WHO ARE NOT CONVICTS ARE PROTECTED BY THE THIRTEENTH AMENDMENT FROM MANDATORY WORK, EXCEPT THAT THEY MAY BE REQUIRED TO PERFORM, GENERAL HOUSEKEEPING RESPONSIBILITIES, THAT FOR

THE RIGHT TO SAFE WORKING CONDITIONS CONTINUED

HEALTH AND SAFETY MUST BE ROUTINELY OBSERVED IN ANY MULTIPLE LIVING UNIT. SOME COURTS HAVE EXPANDED THIS LAST IDEA BEYOND HELPING KEEP UP ONES OWN LIVING AREA TO INCLUDE INSTITUTIONAL TASKS SUCH AS WORKING IN JAIL FOOD SERVICE. IT IS UNCONSTITUTIONAL TO GIVE INMATES JOBS INVOLVING SUPERVISORY OR DISCIPLINARY AUTHORITY OVER OTHER INMATES, BECAUSE OF THE RISK OF VIOLENCE OR EXPLOITATION. PRISONERS MAY NOT BE REQUIRED TO DO WORK THAT IS UNSAFE, BEYOND THEIR PHYSICAL CAPABILITIES, OR CONTRARY TO THEIR RELIGIOUS BELIEFS. THEY MAY NOT BE GIVEN WORK ASSIGNMENTS THAT ARE MEDICALLY INAPPROPRIATE. YOU HAVE A RIGHT TO HUMANE CONDITIONS IN PRISON. CONDITIONS THAT ARE HARSH BUT NOT HARMFUL DO NOT VIOLATE THE EIGHTH AMENDMENT WHEN THEY ACT WITH DELIBERATE INDIFFERENCE TO A PRISON CONDITION THAT EXPOSES A PRISONER TO AN UNREASONABLE RISK OF SERIOUS HARM OR DEPRIVES A PRISONER OF A BASIC HUMAN NEED. TO CHALLENGE PRISON CONDITIONS USING THE EIGHTH AMENDMENT, YOU MUST MEET BOTH OBJECTIVE AND SUBJECTIVE REQUIREMENTS. FARMER V. BRENNAN, 511 U.S. 825 (1994) WILSON V. SEITER, 501 U.S. 294 (1991) TO MEET THE OBJECTIVE EIGHTH AMENDMENT STANDARD, YOU NEED TO SHOW THAT YOU WERE DEPRIVED OF A BASIC HUMAN NEED OR YOU WERE SIMPLY EXPOSED TO HARM. UNDER THE SUBJECTIVE PART OF THE TEST, YOU MUST SHOW THAT THE PRISON OFFICIAL YOU ARE SUING KNEW YOU WERE BEING DEPRIVED OR HARMED AND DID NOT RESPOND REASONABLY. YOU MUST ALSO SHOW HOW YOU WERE INJURED AND PROVE THAT THE DENIAL OF A BASIC NEED CAUSED YOUR INJURY. UNDER THE OBJECTIVE PART OF THE TEST, THE COURT WILL LOOK AT WHETHER THE CONDITION OR CONDITIONS YOU ARE CHALLENGING COULD SERIOUSLY AFFECT YOUR HEALTH OR SAFETY. IN CONSIDERING A CONDITION, A COURT WILL THINK ABOUT HOW BAD IT IS AND HOW LONG IT HAS LASTED. BARNEY V. PULSIPHER, 143 F.3D 1299, 1311 (10TH CIR.1998) YOU MUST SHOW THAT YOU WERE INJURED EITHER PHYSICALLY OR PSYCHOLOGICALLY, YOU MAY CHALLENGE CONDITIONS EVEN WITHOUT AN INJURY, IF YOU CAN SHOW THAT THE CONDITION PUTS YOU AT SERIOUS RISK FOR AN INJURY IN THE FUTURE, LIKE SECOND-HAND SMOKE. HELLING V. MCKINNEY, 509 U.S. 25(1993). UNDER THE SUBJECTIVE PART OF THE TEST, YOU MUST SHOW THAT THE OFFICIAL YOU ARE SUING ACTED WITH DELIBERATE INDIFFERENCE. WILSON V. TEITER, 501 U.S. 2.94(1991). IT MEANS THAT THE OFFICIAL KNEW OF THE CONDITION AND DID NOT RESPOND TO IT IN A REASONABLE MANNER. FARMER V. BRENNAN, 511 U.S. 825(1994). ONE WAY TO SHOW THIS IS BY PROVING THAT THE CONDITION WAS SO OBVIOUS THAT THE OFFICIAL MUST EITHER KNOW ABOUT IT OR BE PURPOSEFULLY IGNORING IT. COURTS MUST ALSO CONSIDER ANY COMPLAINTS OR GRIEVANCE REPORTS THAT YOU OR OTHER PRISONERS HAVE FILED. VANCE V. PETERS, 97 F.3D 987 (7TH

THE RIGHT TO SAFE WORKING CONDITIONS CONTINUED

Cir. 1996), AS WELL AS PRISON RECORDS THAT REFER TO THE PROBLEM. PRISON OFFICIALS CANNOT IGNORE A PROBLEM ONCE IT IS BROUGHT TO THEIR ATTENTION. PRISON OFFICIALS MAY TRY TO ARGUE THAT THE PRISON DOES NOT HAVE ENOUGH MONEY TO FIX PROBLEMS, BUT COURTS DO NOT ACCEPT THIS DEFENSE. CARTY V. TURNBULL, 144. SUPP. 2D 395 (V.I.2001), IT IS IMPORTANT TO NOTE THAT WHILE THERE IS A SUBJECTIVE COMPONENT TO EIGHTH AMENDMENT CLAIMS, THE PRISONER NEED NOT SHOW WHY PRISON OFFICIALS ACTED AS THEY DID.

AIR QUALITY AND TEMPERATURE

PRISONERS HAVE SUCCESSFULLY CHALLENGED AIR QUALITY WHEN IT POSED A SERIOUS DANGER TO THEIR HEALTH, PARTICULARLY IN CASES OF SECOND HAND SMOKE, TALAL V. WHITE, 403 F.3D 423 (6TH CIR.2005) AND SEE ALVARADO V. LITSCHER, 267 F.3D 648 (7TH CIR.2001) AND ASBESTOS, LABOUNTY V. COUGHLIN, 137 F.3D 68(2D CIR.1998) PRISONERS HAVE ALSO SUCCESSFULLY CHALLENGED PROBLEMS WITH LIGHTING, HOPTOWIT V. SPELLMAN, 753 F.2D 779, 783 (9TH CIR. 1985), FIRE SAFETY Id AT 784, FURNISHINGS, BROWN V. BARGEY, 207 F.3D 863 (6TH CIR.2000) ACCOMMODATION OF PHYSICAL DISABILITIES, BRADLEY V. PUCKETT, 157 F.3D 1022 (5TH CIR. 1998), UNSAFE WORK REQUIREMENTS, FRUIT V. NORRIS, 905 F.2D 1147 (8TH CIR. 1990), AS WELL AS OTHER INADEQUATE OR INHUMANE CONDITIONS.

PRAYER

WHEREFORE PLAINTIFF PRAYS THIS HONORABLE COURT WILL GRANT SAID RELIEF IN FULL OR IN PART AS IT DEEMS NECESSARY.

Edward Herrera

SIGNATURE

MARCH 6, 2020

DATE

CERTIFICATE OF SERVICE

I, EDWARD HERRERA, PLAINTIFF PRO-SE DID PLACE ONE ORIGINAL AND COPY OF 1983 WITH MEMORANDUM IN SUPPORT THERE OF IN THE UNIT MAILBOX ON THIS THE 6th DAY OF MARCH 2020, ~~2020~~ TO THE UNITED STATES DISTRICT COURT CLERK'S OFFICE, EASTERN DISTRICT OF TEXAS, 104 NORTH THIRD STREET, LUFKIN, TEXAS, 75901.

Edward Herrera


SIGNATURE

MARCH 6, 2020

DATE

UNSWORN DECLARATION

I, EDWARD HERRERA, PLAINTIFF, PRO-SE, SWEAR THAT I AM THE PLAINTIFF IN THIS ACTION AND I KNOW THE CONTENTS TO BE TRUE AND EXACT TO THE BEST OF MY KNOWLEDGE UNDER THE PENALTY OF PERJURY.

EXECUTED ON THIS THE 6TH DAY OF MARCH 2020 

Edward Herrera
SIGNED

MARCH 6TH 2020
DATE



Texas Department of Criminal Justice

STEP 1

OFFENDER
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #:

2019102670

Date Received:

4-2-2019

Date Due:

5-17-2019

Grievance Code:

677

Investigator ID #:

12592

Extension Date:

7/1/2019

Date Retd to Offender:

JUN 17 2019

Offender Name: EDWARD HERRERA TDCJ # 585206

Unit: JESTER III Housing Assignment: SH-40 27

Unit where incident occurred: EASTHAM

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? UMB MEDICAL STAFF

When? MARCH/APRIL 2017

What was their response? DIAGNOSIS

What action was taken? ONGOING MEDICAL TREATMENT

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

WHILE HOUSED AT THE EASTHAM UNIT FROM 2003-2017, I WORKED IN THE GARMENT FACTORY FROM 2005 TO 2016. DURING THIS TIME, I BREATHED LARGE AMOUNTS OF DUST AND OTHER POLLUTANTS IN THE FACTORY WITHOUT BEING PROVIDED ANY FORM OF BREATHING PROTECTION. THIS FAILURE TO PROVIDE A SAFE WORKING ENVIRONMENT RESULTED IN BEING DIAGNOSED WITH INTERSTITIAL LUNG DISEASE WITH CHRONIC HYPOXIC RESPIRATORY FAILURE, DUE TO INHALATIONAL LUNG INJURIES SUSTAINED WHILE WORKING IN THE FACTORY. THIS RESULTED IN NUMEROUS HOSPITAL STAYS AND PERMANENT PLACEMENT IN THE SHELTERED HOUSING FACILITY AT JESTER III. THIS CONDITION HAS MADE ME PERMANENTLY DISABLED, REQUIRING FULL TIME OXYGEN AND PLACING ME IN A WHEELCHAIR AS WELL AS SIGNIFICANTLY REDUCING MY LIFESPAN. THIS LACK OF FUTURE EMPLOYABILITY, HEALTH COSTS, REDUCED QUALITY OF LIFE AND PSYCHOLOGICAL IMPACT HAS A DEVASTATING EFFECT ON MYSELF AND MY IMMEDIATE FAMILY. RESPONSIBILITIES FOR THIS UNSAFE ENVIRONMENT CAUSING THESE DAMAGES INCLUDE BUT ARE NOT LIMITED TO DURING SAID TIME FRAME ARE THE DIRECTOR(S) OF TDCJ, UNIT WARDEN(S) AND ASSISTANT WARDEN(S), UNIT MAJOR(S) AND IMMEDIATE SUPERVISORS.

Action Requested to resolve your Complaint. AN INVESTIGATION TO DETERMINE THE FACTS OF THIS COMPLAINT.

Offender Signature: Edward Herrera Date: 3.7.19

Grievance Response:

This grievance has been reviewed by Thomas Practice Manager. Your complaint of a lung disease caused by work completed in a garment factory cannot be investigated by this office. Causality cannot be determined at this level and through this medium. Your needs are currently being met at the Jester 3 Sheltered Housing Unit. Moreover, you have not named any complaints about care in the grievance. No further action required. Grievance unsubstantiated.

Signature Authority: J. Thomas Date: 5/17/19
If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____
Grievance #: _____
Screening Criteria Used: _____
Date Recd from Offender: _____
Date Returned to Offender: _____
2nd Submission UGI Initials: _____
Grievance #: _____
Screening Criteria Used: _____
Date Recd from Offender: _____
Date Returned to Offender: _____
3rd Submission UGI Initials: _____
Grievance #: _____
Screening Criteria Used: _____
Date Recd from Offender: _____
Date Returned to Offender: _____



WAVE TIME LIMITS

Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

Offender Name: EDWARD HERRERA TDCJ # 585206
Unit: JESTER III Housing Assignment: SH11-27
Unit where incident occurred: EASTHAM

OFFICE USE ONLY

Grievance #: 2019102670
UGI Recd Date: 1-28-20
HQ Recd Date: 1-28-20
Date Due: 3-13-20
Grievance Code: 677
Investigator ID#: I0352
Extension Date: _____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

THE RESPONSE

CLEARLY DEMONSTRATES THAT MY STEP ONE GRIEVANCE WAS NEVER INVESTIGATED, AS INDICATED IN THE RESPONSE, QUOTE, YOUR COMPLAINT OF A LUNG DISEASE CAUSED BY WORK COMPLETED IN A GARMENT FACTORY CANNOT BE INVESTIGATED BY THIS OFFICE, IT IS THE GRIEVANCE OFFICE RESPONSIBILITY TO FORWARD THE GRIEVANCE TO THE PROPER DEPARTMENT IN ORDER TO REACH AND ESTABLISH A REASONABLE DETERMINATION OR DISPOSITION. THIS IS CLEARLY A DELIBERATE ERROR TO AVOID T.D.C. FROM TAKING RESPONSIBILITY FOR THE DELIBERATE INDIFFERENCE THAT WAS CAUSED BY THEIR FAILURE TO PROVIDE ME WITH THE NECESSARY SAFETY MEASURES NEEDED TO AVOID PUTTING ME AT GREAT RISK, THIS CAUSING MAJOR PHYSICAL HARM.

Offender Signature: Edward HeneerDate: JUNE, 18th, 19**Grievance Response:**

A review of the medical grievance and documentation has been completed regarding your medical complaint during your job assignment in the garment factory, you were exposed to hazardous materials causing you to have lung damage. To remedy this, you are requesting a full investigation to determine what your long-term medical treatment will be.

An appellate review of the medical grievance and clinical record indicates the response from Step 1 is appropriate. Upon further review of your electronic health records, there is no way to determine if your exposure to hazardous materials in the garment factory were the cause of your lung issues. Furthermore, after reviewing your medical history, you have received continuous medical treatment as far back as 09/27/2016 to present day. Your clinic note from 01/17/2020 documents you are feeling weak with history of respiratory failure, weight increase with no pedal edema and you wanted to stop Lipitor but were advised to continue with medication. Currently, you are medically unassigned and are being closely monitored by the medical staff. Per documentation you are receiving adequate access to care as per Correctional Managed Health Care (CMHC) policy A-01.1.

Further review indicates you did not attempt an informal resolution of your medical concern with the supervisory staff member. Please refer to CMHC policy A-12.1, attachment A, regarding getting medical attention. No further action is warranted at this time through the grievance process.

STEP II MEDICAL GRIEVANCE PROGRAM
OFFICE OF PROFESSIONAL STANDARDS
TDCJ HEALTH SERVICES DIVISION

Signature Authority: _____

Date: 1-30-20Returned because: **Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY**Initial Submission**

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

EDWARD HERRERA
T.D.C. NO# 585206
JESTER III UNIT
3 JESTER ROAD
Richmond, TEXAS. 77406



UNITED STATES DISTRICT CLERKS OFFICE
WARD R. BURKE U.S. COURT HOUSE
104 NORTH 3RD STREET
LUFKIN, TEXAS 75901

LEGAL MAIL